

Item # _____

Prepared by: Gloria Kelly
Real Estate Services

Approved by: Lisa Kelly
Assistant County Attorney

RESOLUTION GRANTING A PERMANENT TELECOMMUNICATIONS EASEMENT TO BELL SOUTH TELECOMMUNICATIONS, INC., ACROSS COUNTY OWNED REAL PROPERTY, CURRENTLY LEASED TO THE TOWN OF COLLIERVILLE, LOCATED ON THE NORTH SIDE OF FRANK ROAD, APPROXIMATELY 821.56 FEET EAST OF STANTON HALL ROAD; AND AUTHORIZING THE SHELBY COUNTY MAYOR TO EXECUTE THE PERMANENT TELECOMMUNICATIONS EASEMENT DOCUMENT. SPONSORED BY COMMISSIONER DEIDRE MALONE.

WHEREAS, Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, is proposing to install underground telecommunications cables and pad-mounted switch cabinets to improve area telephone service; and

WHEREAS, These telecommunications cables and cabinets are proposed to be located on County owned real property, currently leased to the Town of Collierville under the provisions of a long term lease agreement dated June 15, 1988, located on the north side of Frank Road, approximately 821.56 feet east of the centerline of Stanton Hall Road and further identified as Tax Parcel No. C0233 00071; and

WHEREAS, It is necessary, in conjunction with the installation of said underground telecommunications cables and pad-mounted switch cabinets, that the County, with approval from the Town of Collierville, grant a Permanent Telecommunications Easement, totaling 809 square feet, to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, across a certain portion of said County owned real property, which portion being more particularly described in the attached Permanent Telecommunications Easement, which is hereby incorporated by reference; and

WHEREAS, Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, has offered to purchase said Permanent Telecommunications Easement for \$ 5,000.00; and

WHEREAS, T.C.A. § 5-7-101 allows the County to make any order for the disposition of its real property, including but not limited to the granting of easements across the same; and

WHEREAS, It is deemed to be in the best interest of Shelby County to grant said Permanent Telecommunications Easement to Bellsouth Telecommunications, Inc., a Georgia

Corporation d/b/a AT&T Tennessee, for \$5,000.00 for the aforesaid use to improve area telephone service.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the aforementioned Permanent Telecommunications Easement be and the same be hereby granted to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, for \$ 5,000.00 and that the Mayor be and he is authorized to execute the attached Permanent Telecommunications Easement document granting the same.

BE IT FURTHER RESOLVED, That if the installation of said Telecommunications cable and cabinets does not begin within the next three (3) years, or should the easement hereby granted be subsequently abandoned by Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, then and in either of these events, this easement shall automatically become void and the rights granted revert back to County of Shelby or its lawful successor.

BE IT FURTHER RESOLVED, That the granting of said easement does not permit any dirt removal or filling within the said easement area without prior approval from the County Engineer.

BE IT FURTHER RESOLVED, That this Resolution shall take effect from and after the date it shall have been enacted according to due process of law, the public welfare requiring it.

BE IT FURTHER RESOLVED, That the proceeds from the grant of said Permanent Telecommunications Easement in the amount of \$ 5,000.00 shall be credited to Account No. 010-307501-9421, Proceeds from Sale of Capital Assets.

A C Wharton, Jr., County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED _____

SUMMARY SHEET

I. Description of Item

Bellsouth Telecommunications, Inc. needs to install underground telecommunications cables and pad-mounted switch cabinets across County owned real property, currently leased to the Town of Collierville under the provisions of a long term lease agreement dated June 15, 1988, located on the north side of Frank Road, approximately 821.56 feet east of the centerline of Stanton Hall Road, to improve area telephone service. In conjunction with the installation of said underground telecommunications cables and pad-mounted switch cabinets, the County has been requested, with approval from the Town of Collierville, to grant a Permanent Telecommunications Easement, totaling 809 square feet, to Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee. Bellsouth Telecommunications, Inc. has offered to purchase said Permanent Telecommunications Easement and Permanent Utility Easement for \$5,000.00. Based upon the above, the Administration recommends that the grant of said easements be approved.

II. Source and Amount of Funding

No County Funds Required

III. Contract Items

Permanent Telecommunications Easement document

IV. Additional Information Relevant to Approval of this Item

PERMANENT TELECOMMUNICATIONS EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That on this the ____ day of _____, 2009, for and in consideration of the sum of Five Thousand Dollars (\$5,000.00), cash in hand paid, by **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, (hereinafter termed "Grantee"), to **County of Shelby, a Political Subdivision of the State of Tennessee**, (hereinafter termed "Grantor"), the receipt and sufficiency of which is hereby acknowledged; the said Grantor has this day bargained and sold, and does hereby grant and convey unto the **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, and unto its successors, a Permanent Telecommunications Easement to construct, maintain and operate, underground telecommunication cables and pad-mounted telecommunications cabinets for the housing of telecommunications equipment; over under, across and upon the following described lands belonging to the undersigned and situated in the Town of Collierville, County of Shelby, State of Tennessee, and to-wit:

This Permanent Telecommunications Easement is over, under, across and upon a portion of a tract of land conveyed to County of Shelby, a Political Subdivision of the State of Tennessee, by Deed of Record as described in the Register's Office of Shelby County, Tennessee, in the Register's Official Record Book under the Instrument Number F7 0953, which easement being more particularly described in metes and bounds as follows:

PERMANENT TELECOMMUNICATIONS EASEMENT AREA

BEGINNING at a point on the north line of Frank Road (68; Right-of-Way), said point being the Southeast corner of Lot 6, Longwood P.U.D. as recorded in Plat Book 127, Page 42; thence along the east line of said Lot 6, North 00 degrees 57 minutes 18 seconds West a distance of 40.00 feet to a point; thence North 89 degrees 41 minutes 12 seconds East a distance of 20.45 feet to a point; thence South 00 degrees 18 minutes 48 seconds East a distance of 40.00 feet to a point on the north line of said Frank Road; thence in a westwardly direction along the north line of Frank Road South 89 degrees 41 minutes 12 seconds West a distance of 20.00 feet to the POINT OF BEGINNING.

The above described easement area contains 809 square feet or 0.0186 acres of land, more or less.

ALL BEARINGS ARE RELATIVE

The granting of this easement is made subject to the condition or requirements of the Town of Collierville Design Review Commission, ("DRC"). No above ground equipment may be placed on the property encumbered by the easement without first obtaining DRC's approval, which Grantee agrees to at all times comply.

Should the installation of said Telecommunications cable and cabinets does not begin within the next three (3) years, or should the easement hereby granted be subsequently abandoned by Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee, then and in either of these events, this easement shall automatically become void and the rights granted revert back to Shelby County or its lawful successor.

The granting of this easement does not permit any dirt removal or filling within the said easement area without prior approval from the County Engineer.

This Permanent Telecommunications Easement is granted to permit the said Grantee, its contractors, employees, and agents ingress/egress and occupancy over, across and upon the above

described Permanent Telecommunications Easement area, together with the reasonable right of ingress/egress over any adjacent lands of the undersigned to or from said easement, for the purpose of constructing, reconstructing, said facilities, or appurtenances thereto.

It is hereby expressly agreed and understood that the Permanent Telecommunications Easement granted herein shall not be reassigned without prior written approval from the Grantor.

The Town of Collierville joins in the grant of this Permanent Telecommunications Easement, because of its leasehold rights in and to the subject property held under its long term lease agreement with Shelby County dated June 15, 1988, to confirm its approval of the grant of this Permanent Telecommunications Easement.

TO HAVE AND TO HOLD the above described easement and right unto **Bellsouth Telecommunications, Inc., a Georgia Corporation d/b/a AT&T Tennessee**, and unto its successors, together with the right of exercising all rights reasonably and properly incident to the rights expressly granted.

And the undersigned does hereby warrant the above described easement and right unto the said Grantee and unto its successors against the lawful claims or demands of any or all persons claiming by, through or under the undersigned.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be executed by the affixing thereto of the signature of the Mayor of the County of Shelby, the said Mayor being authorized so to do pursuant to Section 4.03-18 of Chapter 260 of the Private Acts of 1974 in accordance with the approval of the Shelby County Board of Commissioners, on the _____ day of _____, 2009, in Resolution # _____.

Lessee: TOWN OF COLLIERVILLE

By: _____
Stan Joyner, Jr., Town Mayor

Attest:

By: _____
Town Clerk/Recorder

Approved as to Form:

By: _____
C. Thomas Cates, Town Attorney

Grantor: COUNTY OF SHELBY

By: _____
A C Wharton, Jr., County Mayor

Approved as to Form:

By: _____
Assistant County Attorney /
Contract Administrator

Other County Approvals:

By: _____
County Engineer

By: _____
Land Bank Administrator

By: _____
Real Estate Manager

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **A C WHARTON, JR., Mayor of the County of Shelby**, with whom I am personally acquainted, and who upon oath acknowledged himself to be the **Mayor of the County of Shelby**, the within named bargainor, one of the counties of the State of Tennessee, and that he as such **Mayor** of said county, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of Shelby County by himself as such **Mayor** of said County of Shelby.

WITNESS my hand and Notarial Seal, at office in Memphis, in the County aforesaid, this ____ day of _____, 2009

MY COMMISSION EXPIRES:

Notary Public

**STATE OF TENNESSEE
COUNTY OF SHELBY**

Before me, the undersigned, a Notary Public within and for said State and County, duly commissioned and qualified, personally appeared **STAN JOYNER, JR., Mayor of the Town of Collierville**, with whom I am personally acquainted, and who upon oath acknowledged herself to be the **Mayor of the Town of Collierville**, the within named bargainor, one of the municipal corporations of the State of Tennessee, and that he as such **Mayor** of said town, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the **Town of Collierville** by himself as such **Mayor** of said municipal corporation.

WITNESS my hand and Notarial Seal, at office in the Town of Collierville, in the County aforesaid, this ____ day of _____, 2009.

MY COMMISSION EXPIRES:

Notary Public

(FOR RECORDING DATA ONLY)

Property Address:

Vacant Land

Tax Parcel No:

C0233 00071

Mail Tax Bills to: (Person or Agency
responsible for payment of taxes)

Exempt - Government

Owners Name and Address:

Shelby County Government

160 N. Main Street

Memphis, TN 38103

This instrument prepared by:

Shelby County Real Estate

584 Adams Street

Memphis, TN 38103

Phone No. (901) 545-4323

Tax Parcel No. C023300071
North side of Frank Road with said point being
located at the southeast corner of Lot 6, Longwood, P.U.D

